

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

WEDNESDAY, THE 23RD MAY 2007 / 2ND JYAISHTA 1929

WP(C).No. 26348 of 2004(J)

OS.101/1998 of PRL.M.C.,KOZHIKODE-II

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PETITIONER:

M.P.THANKAM, W/O. M.P.BALAN,
MELEPOYIL HOUSE, MEDICAL COLLEGE P.O.,
UMMALATHOOR, KOZHIKODE-8.

BY ADV. SRI.T.G.RAJENDRAN

RESPONDENTS:

1. STATE BANK OF TRAVANCORE,
REP. BY ITS MANAGER, MEENCHANTHA BRANCH,KOZHIKODE.
2. STATE OF KERALA,
REP. BY CHIEF SECRETARY TO GOVERNMENT OF KERALA,
SECRETARIAT, THIRUVANANTHAPURAM.

R1 BY ADV. SRI.PATHROSE MATHAI, SC.

R2 BY ADV. SRI. K.J. MOHAMMED ANZAR, GOVT. PLEADER.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 23/05/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

WPC : 26348/2004

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 : TRUE COPY OF THE NOTICE ISSUED BY THE ASSISTANTGENERAL MANAGER
OF SBT DT.6.2.04.

EXT.P2 : TRUE COPY OF THE RECEIPT SHOWING THE DEPOSIT.

EXT.P3 : TRUE COPY OF THE NOTICE UNDER FORM NO.58 FOR SELLING THE
IMMOVABLE PROPERTY.

PIUS C. KURIAKOSE, J.

W.P.(C) No. 26348 OF 2004

Dated this the 23rd day of May, 2007

JUDGMENT

Ext.P3 proclamation for sale of the property belonging to the petitioner who owed money to the 1st respondent-State Bank of Travancore is under challenge on various grounds. Inter alia petitioner has stated that he is prepared to pay the entire balance decree debt and needs only time to do so. While admitting the writ petition, this Court recorded an undertaking of the petitioner that he will pay an amount of Rs.20,000/- towards debt within two weeks from 9.9.04 and on that basis this Court adjourned the sale which had been notified by one month. Learned counsel for the petitioner is unable to say whether the undertaking given before this Court was honored by her client.

2. Having gone through the grounds raised in the writ petition and having considered the submissions on behalf of the petitioner, I am of the view that the Writ Petition itself can be disposed of issuing the following directions:

The Court below will verify whether the petitioner has paid the amount of Rs.20,000/- towards the decree debt to the 1st respondent-Bank on or before 23.09.04 as undertaken by her before this Court. If it is seen that the amount undertaken by the petitioner has been paid, the

proceedings for sale will be kept in abeyance for a further period of 10 weeks so that the petitioner can wipe off the entire balance decree debt in two equal monthly installments commencing from 15th June 2007.

PIUS C. KURIAKOSE, JUDGE

btt

